

Senate Engrossed House Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-eighth Legislature
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CHAPTER 62

HOUSE BILL 2213

AN ACT

AMENDING SECTIONS 16-543 AND 16-1018, ARIZONA REVISED STATUTES; RELATING TO
VOTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-543, Arizona Revised Statutes, is amended to
3 read:

4 16-543. Application for ballot; United States service;
5 emergency procedures

6 A. Any absent uniformed services voter or overseas voter as defined in
7 the uniformed and overseas citizens absentee voting act of 1986 (P.L. 99-410;
8 42 United States Code section 1973ff-6), as amended by the Ronald W. Reagan
9 national defense authorization act for fiscal year 2005 (P.L. 108-375), may
10 request an early ballot with a federal postcard application that contains
11 both an early voter registration application and an early ballot application.
12 The secretary of state shall provide for a centralized system for receiving
13 federal postcard applications by way of the internet or fax and shall provide
14 for transmitting appropriate ballot materials in response to fax, telephone
15 and internet requests for federal postcard applications. On receipt of such
16 application, the county recorder or other officer in charge of elections
17 shall determine whether or not the elector is registered. If the applicant
18 is so registered, the recorder or other officer in charge of elections shall
19 forward to the applicant an official early ballot. If the applicant is not
20 registered, and the request is for a ballot for use in a county election but
21 the federal postcard application is complete, the recorder shall forward an
22 official early ballot to the applicant. If the applicant is not registered
23 to vote and the federal postcard application is not used or complete, the
24 recorder shall forward an affidavit of registration as provided in section
25 16-103 and shall forward at the same time to the unregistered applicant an
26 official early ballot and affidavit.

27 B. The county recorder or other officer in charge of elections shall
28 transmit by fax or by other electronic format approved by the secretary of
29 state early ballot request forms, unvoted ballots and ballot information to
30 eligible absent uniformed services voters and overseas voters. The county
31 recorder or other officer in charge of elections shall provide for receipt of
32 completed early ballot requests and voted early ballots by fax OR OTHER
33 ELECTRONIC FORMAT as prescribed by the secretary of state in the instructions
34 and procedures manual issued pursuant to section 16-452.

35 C. The secretary of state shall provide in the INSTRUCTIONS AND
36 procedures manual ~~adopted~~ ISSUED pursuant to section 16-452 for emergency
37 procedures regarding the early balloting process for persons who are subject
38 to the uniformed and overseas citizens absentee voting act of 1986
39 (P.L. 99-410; 42 United States Code section 1973ff), as amended by the
40 Ronald W. Reagan national defense authorization act for fiscal year 2005
41 (P.L. 108-375). These emergency procedures may be implemented only on the
42 occurrence of a national or local emergency that makes substantial compliance
43 with the uniformed and overseas citizens absentee voting act impracticable,

1 including occurrences of natural disasters or armed conflict or mobilization
2 of the national guard or military reserve units of this state.

3 D. THIS SECTION APPLIES ONLY TO ANY ABSENT UNIFORMED SERVICES VOTER OR
4 OVERSEAS VOTER AS DEFINED IN THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE
5 VOTING ACT OF 1986 (P.L. 99-410; 42 UNITED STATES CODE SECTION 1973FF-6), AS
6 AMENDED BY THE RONALD W. REAGAN NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL
7 YEAR 2005 (P.L. 108-375).

8 Sec. 2. Section 16-1018, Arizona Revised Statutes, is amended to read:
9 16-1018. Additional unlawful acts by persons with respect to
10 voting; classification

11 A person who commits any of the following acts is guilty of a class 2
12 misdemeanor:

13 1. Knowingly electioneers on election day within a polling place or in
14 a public manner within seventy-five feet of the main outside entrance of a
15 polling place or on-site early voting location established by a county
16 recorder pursuant to section 16-542, subsection A.

17 2. Intentionally disables or removes from the polling place, on-site
18 early voting location or custody of an election official a voting machine or
19 a voting record.

20 3. Knowingly removes an official ballot from a polling place before
21 closing the polls.

22 4. Shows the voter's ballot or the machine on which the voter has
23 voted to any person after it is prepared for voting in such a manner as to
24 reveal the contents, except to an authorized person lawfully assisting the
25 voter.

26 5. Knowingly solicits a voter to show the voter's ballot, or receives
27 from a voter a ballot prepared for voting, unless the person is an election
28 official or unless otherwise authorized by law.

29 6. Knowingly receives an official ballot from a person other than an
30 election official having charge of the ballots.

31 7. Knowingly delivers an official ballot to a voter, unless the voter
32 is an election official.

33 8. Except for a completed ballot transmitted by an elector by fax OR
34 OTHER ELECTRONIC FORMAT pursuant to section 16-543, knowingly places a mark
35 on the voter's ballot by which it can be identified as the one voted by the
36 voter.

37 9. After having received a ballot as a voter, knowingly fails to
38 return the ballot to the election official before leaving the polling place
39 or on-site early voting location.

APPROVED BY THE GOVERNOR APRIL 22, 2008.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 22, 2008.